

A THIRD CONCEPT OF FREEDOM
FOR CONTEMPORARY DEMOCRACIES

An Interview with Quentin Skinner by Marco Geuna

FOREWORD

Quentin Skinner is a scholar who needs no introduction. For over fifty years, his work has offered original contributions to many fields of thought: from the history of political thought to political philosophy, as well as to the methodology for the study of the history of ideas. For his wide-ranging research work, he has been granted honorary degrees from numerous universities in different continents, and the Balzan Prize, awarded in November 2006, is one among the many forms of recognition he has earned. With the Balzan Prize funds, Skinner devised a challenging research project on the various ways of understanding individual and collective freedom in the different traditions of European political thought. He involved in this project young scholars from many European countries and the results of it were published in the two volumes *Freedom and the Construction of Europe*, printed by Cambridge University Press in 2013.

In the following interview, some attempt will be made to take stock of the intellectual path Skinner has followed over the past twenty years: from his theorizing a third concept of freedom, which implies the rejection of every form of dependence on the arbitrary power of others, to his genealogical reconstruction of the concept of the State and his defence of the use of such a concept in our normative discourse against the oversimplifying theorists of the «death of the State». Other problems, relevant nowadays, will also be discussed: from the crisis of contemporary democracies, after thirty years of neoliberal politics, to the future of Europe following the lacerating effects of Brexit.

The interview took place in the midst of the Covid pandemic in March 2021. Salvatore Veca, with his usual far-sightedness and determination, was the one who proposed it. This is another reason – among many – to remember him with gratitude.

Marco Geuna: I am extremely pleased, Quentin, that you kindly agreed to have this conversation. The Balzan Prize was awarded to you on 24 November 2006, with a motivation that included three main reasons: «For his formulation of a distinctive methodology for the study of the history of ideas, his major contribution to the history of political thought, and his acute reflections on the nature of liberty». In this interview I would like to start from the third reason, your reflections on liberty. You have been working on the concept of liberty for more than 40 years in relation to the elaborations of the different traditions of political thought that have structured the modern world, and in particular with the elaborations of the Republican tradition. If we want to identify a starting point, we could refer, perhaps, to *The Paradoxes of Political Liberty*, your Tanner Lectures on Human Values at Harvard University, dating back to October 1984. If we want, instead, to find a provisional point of arrival, we could identify it in your lecture *Thinking about Liberty. An Historian's Approach*, the 2015 Balzan Lecture, published in 2016.

Now, over these decades, your thesis has been subjected to various reformulations. You began by arguing that the idea of negative liberty was a complex one and that the republican understanding of liberty was a negative one, though profoundly different from the approach put forward by Hobbes and his liberal followers. You then argued, starting from 2002, in your Isaiah Berlin Lecture to the British Academy, that there is a consistent *Third concept of liberty*. Again: in your Inaugural Lecture as Regius Professor of History at Cambridge, published as *Liberty before Liberalism*, you preferred to speak of neo-Roman theory, but later you returned to the previous formulation and spoke simply of the republican tradition and republican thinkers. I would be grateful if you could take stock of these reformulations and explain the reasons that made you change your mind, clarifying the point of arrival in your reflections about the problem of liberty.

Quentin Skinner: First let me thank you very much, Marco, for taking the time to conduct this interview. I am most grateful to you, and very pleased to be able to have this conversation. Let me begin by explaining what I have come to regard as the classic formulation of the so-called Republican view of freedom or liberty. (I shall use those two terms interchangeably.) This can be found in what I have come to think may be the most influential text of legal and political theory to have survived from classical antiquity. I have in mind the *Digest* in the *Corpus iuris civilis* compiled under the emperor Justinian in the 6th century. The *Digest* begins by considering persons, because they are the subject of all laws, and proceeds to lay it down that there are two types of persons: all men and women are either free persons, or else they are slaves.

Let me first ask, what does it mean, according to Roman law, to be a slave? The answer is simple. To be a slave is to live *subiectus alieno dominio*, subject to the power and hence the will of someone else. In other words, a slave is someone who is never able to act entirely according to their own will. This is because, whatever actions a slave may perform, they will always be the outcome not merely of their own volition but also of the stated or implied permission of their master. So if that is what it means to be a slave, and if everyone is either a slave or a free person, we also get a definition of a free person. A free person must be someone who is *not* subject to the power of anyone else and is consequently able to act entirely according to their own will, unless they are prevented by law or by force. So the freedom enjoyed by a free person is that of being able to do whatever they choose. A free person – as English law used to say – is someone who is «their own master».

If this is the theory, how should we name it? Is this a Roman theory? Is this a Republican theory? Originally in my book *Liberty Before Liberalism*, I called it neo-Roman simply because it is the concept of liberty to be found in Roman law. But as you note, in my Tanner lectures of 1984 I had called it the Republican theory of liberty. Now, this was the term that Philip Pettit chose to use in his book *Republicanism: A Theory of Freedom and Government*, which he published in 1997. Philip's book has rightly become a classic text, so this description was widely taken up. I felt I had lost the argument about terminology, and went back to calling it the Republican theory. But really one should not call it Republican. Obviously none of the jurists under the Roman Empire were Republicans, and nor were many of the most prominent exponents of the same theory in Anglophone political philosophy. Here I am thinking, for example, of such figures as John Locke. He gave a classic formulation of the so-called republican theory of liberty, but he would have been shocked to be described as republican in his political allegiances. So for the remainder of this conversation I shall call the theory of liberty to which I subscribe the neo-Roman one.

A further question, as you say, is how the neo-Roman conception relates to so-called negative liberty. In modern Anglophone political philosophy, largely due to the influence of Isaiah Berlin's celebrated work, *Two Concepts of Liberty*, the term negative liberty has come to be reserved for the specific theory that Berlin wanted to celebrate. This was the view that liberty consists in not being impeded or interfered with in your choices or actions. Berlin never talks about the neo-Roman view. He never considers the idea that the term freedom might instead basically refer to a particular status, that of being a free person.

It is important to me that the neo-Roman view likewise gives a negative account of liberty. To say that a concept is negative is to say that its presence is marked by an absence. So you can ask, of the concept of liberty, what is the absence that marks the presence of liberty? That was Berlin's question, and his reply was that it will always be an absence of impediments to action. But a neo-Roman theorist will want to say that the absence that declares the presence of freedom is not absence of impediments, but rather absence of subjection to the will of someone else.

One point I want to underline is thus that the liberal conception of freedom championed by Berlin, and the neo-Roman conception I support, are both accounts of negative liberty. But it is also important for me that there is nevertheless a wide conceptual gulf between these two positions. This can be most economically expressed, I think, by saying that on my account it is possible to be unfree in the absence of any act or even any threat of interference. According to Berlin this makes no sense, because freedom is defined as absence of interference. But on my account it is sufficient for unfreedom that there should be a power and hence a possibility of interference. If that is so, as I've said, then you are never free to act exclusively according to your own will, and hence you are not a free person.

M.G.: Thank you very much. Ever since 1984, ever since your Tanner Lectures, your critical stance toward various forms of liberal theory – based on a theory of rights or other philosophical foundations – has been clear. Your concern has always been with contemporary democracies and how freedom is experienced in them. However, in *Thinking about Liberty*, in 2016, you wrote that «although we may live in democracies, many undemocratic survivals persist from more hierarchical times». Thinking of freedom as absence of subjection, thinking of freedom as a condition, not an action, allows us to focus on the various forms of arbitrary power, public and private, political and social, that undermine our freedom. Have I understood and reconstructed your argument – with its insistence on the problem of dependency – correctly? Would you like to dwell on this issue?

Q.S.: Yes, you have certainly construed me correctly, and I should very much like to take up your point. I think a neo-Roman view of freedom is indispensable if we are to understand how structural and silent forms of arbitrary power take away freedom of choice. Consider the extent to which de-unionised workforces increasingly live at the mercy of employers with power to dismiss them at will. Or consider how far the widespread economic dependence of women continues to limit their freedom of choice, leaving them vulnerable to partners whom they lack the resources to escape.

The loss of liberty suffered in these circumstances need not stem from any overt acts of intimidation or interference; it already stems from the mere fact of living in subjection to the arbitrary will of someone else. As my examples suggest, some of the most troubling subversions of civil liberty currently arise from these sources. But the prevailing view of freedom as absence of interference too often seems incapable of noticing them.

M.G.: You have argued more than once that the concept of freedom is the most important concept in the European and Western political tradition. And it is precisely this awareness that pushes us to devote so much time to its precise philosophical definition, to the distinction between various concepts or various ways of understanding freedom. In the course of the last decades, several voices have been raised to highlight the fact that freedom has been conceptualized by other traditions of thought as well. I am thinking here of Amartya Sen's reflections and his references to different Indian traditions. The problem was already dealt with in the last part of the second volume of *Freedom and the Construction of Europe*, published by Cambridge University Press in 2013, namely in the part which was not by chance entitled *Freedom and the Limits of Europe*. What at the moment are your convictions on this question?

Q.S.: This seems to me a crucial question to ask in our increasingly globalised world, so thank you very much for raising it. By the way, I am very happy to hear you mention the two volumes entitled *Freedom and the Construction of Europe*. I used my Balzan Prize to set up a series of conferences with young researchers, interspersed with some senior figures, to address questions about the history of freedom, and those two volumes were the final outcome. We mainly discussed European traditions, but Professor Michael Cook contributed what has become a classic essay entitled *Is Political Freedom an Islamic Value?* He also spoke of Indian and Chinese traditions, and Amartya Sen, as you rightly say, has been talking in recent times in similar terms. What most interested me in Michael Cook's chapter in *Freedom and the Construction of Europe* was that, in all the intellectual traditions he examined, he found a categorical distinction between the condition of being a free person and that of being a slave. However, he did not find that any of those traditions approached political questions in terms of this basic contrast. Nor did he find any suggestion that being a free person can be defined as not being a slave. It seems that the idea of civil liberty as embodying some contrast between the free and the enslaved has partly been a distinctively Western value.

M.G.: Thank you. Let's move to another question. In the modern republican tradition, the concept of freedom plays an essential role. But many modern thinkers have also dwelt on the concept of equality. They have tried to show that a republic is possible only where there is a certain economic and social equality. I am thinking, for example, of the reflections proposed by Machiavelli in the fifty-fifth chapter of the first book of his *Discourses*; of the reflections of Harrington on equality in the «balance or foundation», i.e. on the agrarian law; of the considerations that Rousseau developed in the eleventh chapter of the second book of the *Social Contract*, where he says that «no citizen shall be rich enough to buy another and none so poor as to be forced to sell himself». Now, in many interpretations of the republican tradition, this centrality of a certain type of equality has gone unnoticed or has not received adequate attention. How could this happen? After thirty years of neo-liberal policies, after the financial and economic crisis of 2008, inequalities have been worsening in our Western democracies in a truly intolerable way. Does the republican tradition still have something to say on this issue as well?

Q.S.: This is also a crucial question, and at the moment it seems to me perhaps the most important one to ask in thinking about politics. So I would like at this stage to speak, if I may, at somewhat greater length. I would reply bluntly that the reason why this problem is receiving so little moral attention is that neoliberal political systems, as you rightly call them, have the wrong view about liberty. By neoliberal systems I mean such collections of States as the European Union and such individual States as the United Kingdom or the United States. All these states currently operate with the assumption that political liberty simply means absence of interference. The fewer laws there are, on this account, the greater is the liberty we are left to enjoy. Nothing is said in that analysis about the relations of liberty to equality. You don't even have to think about equality if what you care about is nothing more than maximizing choices and minimising the power of the state and hence the extent of the law.

By contrast, the neo-roman theory is a theory of equal liberty, because to be free means not being unequal to others in your capacity for free action. On this account the law is not seen as the *prima facie* enemy of liberty. The contrast here with neo-liberal thinking is very marked. Law in neoliberal thinking is seen as the primary enemy of liberty, because the law coerces us and freedom is taken to be absence of coercion. But in the neo-Roman view, the most obvious means of promoting the equal security on which the enjoyment of freedom depends is said to be by means of the law. It is by the imposition of suitable laws that you have the best hope of being rescued from subjection to the arbitrary will of others.

I would go even further and say that the neo-Roman theory is the only democratic theory of liberty. This is because, if you are going to count as a free person, then your will must, by some constitutional means, be reflected in whatever laws are passed. If your will is not reflected in the law, then the law must reflect the will of others, in which case you will be subject to their wills, which in the neo-Roman view is the definition of unfreedom. But if the will of everyone is to be equally reflected in the contents of the law, then the system of representation will have to be a democratic one. This seems to me the most important constitutional demand implicit in the neo-Roman theory of liberty. These legal guarantees can never hope to be sufficient in themselves to bring social and economic inequalities to an end. But they can at least hope to limit the inequalities currently suffered by those who live in subjection to the power of others. Here I am thinking again of de-unionized workforces, but also of undocumented aliens, poor nations in their negotiations with rich ones, and many other instances of a kind of modern servitude in which there is a dominating partner to whom others are subjugated. This is one reason why I feel so crusading about thinking of freedom in neo-Roman terms: it uncovers the complacencies the neoliberal political theory has about who is free and who is unfree.

M.G.: Thank you very much, Quentin. Let's move on to a more scholarly question. In the last twenty-five years there has been a proliferation of interpretations of Machiavelli and, more generally, of the republican tradition. I can only dwell here on one particular interpretative strand which has met with much success, to the point of almost constituting a vulgate. In Italy, in France and also in the Anglo-Saxon debate there has been talk of a «Radical Machiavelli». This historiographic perspective put together and combined different readings of the Florentine Secretary: (a) the interpretation of Claude Lefort, who insisted on the role of the radical conflict between humours (Lefort, actually wrote: «between classes»); (b) the narrative put forward by Althusser, who argued in the last decade of his life for the existence of a current of «aleatory materialism». The fact that Machiavelli had copied Lucretius' *De rerum naturae* in its entirety played into this perspective, and so there was more and more talk of the «Epicureanism» of Machiavelli, overlooking the points at which he did not make Lucretius' theses his own; (c) the interpretations developed by Antonio Negri and John McCormick, who, although for different accents, have focused on the moment of «constituent power» rather than on the moment of «constituted power». May I ask you what you think of this interpretative strand from a strictly historical point of view?

Q.S.: I have to admit that I feel ambivalent. I strongly agree with the recent trend towards re-emphasising Machiavelli's republicanism and his defence of republican government in the *Discourses*. If I may say so, I tried a long time ago to emphasise this point myself in my *Foundations of Modern Political Thought* book. If you turn to the opening chapters of Machiavelli's *Discourses*, you find that he begins by speaking about what he calls free cities, and that he thinks of free cities as those which are not subject to another power, do not live in dependence on anyone else. The *Discourses* begin, in other words, by outlining what I have been calling a neo-Roman view of liberty. I also agree with Lefort that it is important to stress that Machiavelli thinks of political conflict as essential to upholding liberty. But it is a mistake on Lefort's part, it seems to me, to talk as if Machiavelli is speaking of classes. He talks about the *Grandi*, he talks about the *Popolo*, but he never expresses the modern idea that a class of people can gain a basis for political action through their self-consciousness of being a class. As for McCormick, to claim as he does that Machiavelli was some kind of democrat, and to speak of his views about constituent powers, seems to me anachronistic in a similar way.

M.G.: Thank you, Quentin. I am wondering if the success of these interpretations emphasising the idea of constituent power has to do with what we could call the constitutional crisis of our democracies. Our Western democracies, or at least the oldest among them, are going through a crisis that is also a constitutional crisis. You yourself, in the final pages of your 2015 Balzan lecture, point out, and I quote, "the extent of discretionary powers still embedded in the British Constitution"; the great American jurist Sanford Levinson published, as early as 2006, a book entitled *Our Undemocratic Constitution*, pointing out at least five undemocratic and non-egalitarian elements in the American constitution. If I think of the Italian situation, how can I fail to note that for forty years at least there has been an unsuccessful attempt to reform the constitution, even in those aspects that are considered problematic by all, such as the perfect bicameralism. Now, I wonder if appealing to the constituent power, to the capacity for conflict and struggle of a (not well defined) people, may not also be an attempt to provide answers to these constitutional crises, to these situations of impasse, on which we do not reflect sufficiently. What do you think about that?

Q.S.: I very much like your hypothesis about why this historiographical development has taken place. We are all worrying about how much discretionary and hence arbitrary power is being claimed by our current governments, especially under the guise of coping with the emergency created by

the pandemic. We are also worrying for other and deeper reasons, as you observe, about how truly democratic our democracies can claim to be. We are constantly reminded that they still fail to give an equal voice to women and to minority ethnic groups. And in the UK we face the special problem that we still have a hereditary monarchy in which succession is limited to a single family and hence for the foreseeable future to the members of a single ethnic group.

To return for a moment to Machiavelli, I would like to add that there is, I think, a further reason for the historiographical development you have mentioned. There is an increasing tendency, certainly in the UK and the USA, to demand that historical studies should be able to show that they have something called «immediate relevance» to the problems of contemporary life. This makes it almost irresistible to want to classify Machiavelli as a democrat talking about constituent powers. But it still seems to me that what Machiavelli is mainly talking about is the indispensability of having a single legislator as the founder of any republic that is going to be able to survive.

M.G.: Thank you, Quentin. May I press you on a different issue that connects, let's say, the republican tradition and the problem of Europe? The two volumes you edited in 2002, together with Martin van Gelderen, bore the title *Republicanism: A Shared European Heritage*. The two volumes of 2013, as mentioned above, were entitled *Freedom and the Construction of Europe*. Your proposal to recover the republican tradition, and its idea of freedom, was meant to be a proposal for Europe: a study of the different European traditions in different countries, with a view towards a different future in common, if I have understood correctly. However, now we are compelled to deal with the same themes after the catastrophe (please, excuse me for using this term) of Brexit, which will include the end of the Erasmus programmes for university students. Brexit certainly had contingent reason, related to the conflicts among, and inside, British political parties. However, the weight of history was also felt. For at least five centuries, Great Britain has been a power on the oceans. It has built an immense empire, which has undergone institutional transformations, but which cannot be considered merely a glorious past. The Queen is still formally the head of several states that belong to the Commonwealth, from Australia to Canada. The long-term reasons for Brexit cannot be reconstructed in a few lines. They are political and geopolitical reasons, historical in a broad sense. I am thinking, for example, of the difference between common law and statute law. I don't know if you care to spend a few words on these reasons, which have led to a dramatic setback. What I wonder, in particu-

lar, is whether there are also cultural reasons. You have always been linked to Europe, to the European University in Fiesole, and you have taught in Paris, in Rome, in Berlin and elsewhere in Europe. I wonder, though, if some English intellectuals should also make some kind of self-criticism. I wonder if they have not maintained a kind of ambivalence towards continental European cultural traditions. I am aware that these are extremely complex issues. Please, feel free to answer the questions you consider the most relevant.

Q.S.: These are certainly complex questions, but perhaps I can begin by saying that I strongly agree with you about what you have described as the catastrophe of Brexit. In this context, it is certainly relevant to mention, as you kindly do, the four volumes on republicanism and liberty that I co-edited with Martin van Gelderen. The conferences out of which the first two volumes arose were financed by the European Science Foundation, from which Martin van Gelderen and I won a grant. These volumes envisaged a common European future, which we were hoping would have a kind of republican and more egalitarian structure. The contributors drew on a wide range of normative sources within European history to try to write something that was properly scholarly, but which we hoped might also serve to emphasise and celebrate one element in our common European heritage.

Now, however, the catastrophe of Brexit has intervened. I fear for the United Kingdom economically, because the European Union has for a long time been our principal customer in the world. But I would also like to address the cultural point you have made. I regret the form of nationalism that seems to me to have underpinned the decision of the United Kingdom to leave the Union – or rather, the decision of about 18 million people out of about 46 million who had the right to vote on the issue. One claim that was frequently made by supporters of Brexit was that the UK was taking back sovereignty. This strikes me as a seriously outdated form of nationalism. We face global threats now, especially the climate crisis, which can only be solved if we stop talking about national sovereignty and start to show a willingness to engage in far greater cooperation between States. I am shocked by the extent to which it has been agreed in the United Kingdom that it will also be of benefit to us to withdraw from the jurisdiction of the Strasbourg Court, when that could prove an immediate threat to the upholding of human rights. I am also distressed by the broader cultural nationalism that underpins Brexit, and I feel sure you are right that an ambivalence towards continental European cultural traditions is involved. To me it seems obvious that, in separating ourselves from Europe, we are cutting ourselves off from much that is of great value in helping us to broaden our

cultural sympathies and awareness. I cannot resist recurring to the first two volumes that Martin van Gelderen and I co-edited. As I have mentioned, these were made possible by an extremely generous grant from the European Science Foundation. Nowadays, as a British scholar, I would not even be eligible to apply for such a grant.

M.G.: Let's come to another issue. You have always been interested in the republican tradition also because it put at its centre the notion of "common good", or, in other language, of "public interest". Now, you have always been a scholar with two great interests: not only Machiavelli and the culture of the Renaissance, but also Thomas Hobbes and his artificial theory of the State. In a series of essays – and here I am thinking especially of *A Genealogy of the State*, your British Academy Lecture of 2009 – you have highlighted how rival meanings of the concept of the State have come to be compared, in the modern and then in the contemporary age. You have worked at length to bring into focus the Hobbesian theory of the *persona ficta*, of what you call the "fictional theory" of the State. In the conclusion of the essay I have mentioned, you rightly distance yourself from many facile diagnoses of the supposed "death of the State" and declare yourself in favour of a revival of the "fictional theory" of the State. You argued that, in emergency situations, the "fictional theory" allows us to think better about problems of "public interest" and to deal more adequately with such issues as public debt, and therefore with the existence of the State over time. The crisis brought about by the current pandemic has highlighted, once again, the need to think, and put in first place, what was called "common good" or "public interest". I wonder if you could return to why you think the Hobbesian idea of the state offers a better way of thinking about the public interest than the republican one. I would be really grateful if you could spend some words on these difficult questions.

Q.S.: I should very much like to try, because the question of State power has always been a central theme for me. The first book I published, which I have already mentioned, was *The Foundations of Modern Political Thought*, which seeks to explain the process by which the state (or *lo stato*, *l'état* and so on) came to be the central noun in European political discourse. My writings about the state have always tended to be polemical, so perhaps I can best try to answer your question by saying that I have had three principal targets.

One of my targets has always been the view, which remains prominent in Anglophone political science, that when we refer to the state we are simply speaking about the apparatus of government. So 'state' and 'gov-

ernment' come to be viewed as synonymous terms. I found myself much attracted by the rival view that the state is the name of a particular kind of corporation distinct from government. This is the view we find in the early-modern natural-law tradition, the tradition of Grotius and Hobbes, and later of Pufendorf and Vattel. For these writers the state is the name of a distinct person – a fictional person according to Hobbes, as you have said, but a moral person for such later writers as Pufendorf and Vattel. What these writers have in common is the belief that the state is the name of a political actor, but one that can act if and only if it is represented. But when it is represented, as it is by a government apparatus, then the government will be acting in the name of the state.

My second target was a view that became popular in the 1990s, when it began increasingly to be argued that the state was being superseded by international entities. As you say, some commentators even began to speak about the death of the State. This view was perhaps encouraged by the success of the European Union in transcending some local jurisdictions, but it always seemed to me false to the basic political experience of almost everyone. We all continue to live in states, and to be stateless remains a terrible predicament. Who protects you, who enforces the law, who imposes taxes? The answer is that individual governments do so in the name of the state.

My final target has been a prevalent view about the nature of the force that holds together rivalrous and self-interested individuals in society. One influential answer has been that, in our post-modern condition, the binding force is supplied by what Habermas described as the elements of the public sphere, and what Castoriadis later called the imaginary, that is, our general cultural imaginings and shared underlying values.

I have always felt that these answers tend to underestimate the extent to which what holds us together is the coercive power of the State. If there is one constitutional lesson I would say we have learned from living through a pandemic, it is that ultimately we all confront the power of the State as the basic controlling force in our lives and the basic source of social unity. We have also seen that there is a credit and a debit side to this situation. On the credit side, we have seen the power of the State used to prioritise the public interest, and above all to put the value of lives above economic interests. No power except that of individual states could ever have succeeded in borrowing the vast sums of money immediately needed to pursue these life-saving policies. But on the debit side we have also seen how, in a state of emergency, the power of the State can easily become arbitrary, especially when executive power begins to be wielded without legislative authority. I think that this is always a problem even in the most democratic states. States can do massive good, but in order to do massive good we have to al-

low them so much power that they can also do massive harm. I can see no way out of this dilemma except perhaps to remind ourselves of the famous adage that the price of liberty is eternal vigilance.

Well, thank you, Marco. I have enjoyed our conversation very much. You really made me think about some of the wider implications of what I have been trying to say, and I am very grateful.

M.G.: I am grateful to you too!